

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COPY

BRIAN HUNTER, : Docket No. CV07-1307 (RJL)
 : August 7, 2007
 Plaintiff, :
 : 3:15 p.m.
 :
 v. :
 :
 FEDERAL ENERGY REGULATORY :
 COMMISSION, :
 :
 Defendant. :
 :

TRANSCRIPT OF PRELIMINARY INJUNCTION
BEFORE THE HONORABLE RICHARD J. LEON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:

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Federal Energy Regulatory
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Court Reporter:

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Official Court Reporter
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ALSO PRESENT:

BRIAN HUNTER
SHONDELL SABAD

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1 this point, a preliminary injunction. The irreparable harm
2 arguments are obviously relevant when your Honor is considering
3 the preliminary injunction, but however your Honor comes out on
4 that, and I urge your Honor to recognize the value of
5 Mr. Hunter's business as it stands today -- however your Honor
6 comes out on that, your Honor can reach the ultimate legal
7 issues of jurisdiction and statutory interpretation and issue a
8 declaratory judgment without regard necessarily to the
9 irreparable injury issues because the Declaratory Judgment Act
10 and elements thereof exist independently, there is an actual
11 controversy between the parties about interpretation of law that
12 will affect our future interests. And I believe that is a
13 question that your Honor can reach based on the record that's
14 put before you.

15 If your Honor has any questions, I would be happy to
16 answer them. Otherwise, I will stop replying.

17 THE COURT: Thank you very much, Mr. Kim and
18 Mr. Mullins. We get arguments in this court pretty regularly,
19 and unfortunately they are not at the same level as the ones
20 presented today. I want to compliment both sides for their fine
21 work.

22 The Court will obviously take it under advisement.
23 It's not a simple question. It's a question that needs to be
24 carefully looked at and evaluated. And I appreciate your
25 briefs. And the best I can say is I will give you a ruling as

1 fast as I can give it to you. That's about the best I can say.
2 So I will try to get you something as quickly as possible, but
3 it won't be in the next few days. I promise you that.

4 So thank you for your hard work, Counsel. We will
5 stand in recess.

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7 (Whereupon, at 4:15 p.m., the proceedings were
8 concluded.)

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CERTIFICATE OF REPORTER

I, Patty A. Gels, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

A handwritten signature in cursive script, appearing to read "Patty A. Gels", is written over a horizontal line.